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GP/1641



April 10, 2002

Assistant Commissioner of Patents  
Washington, DC 20231

Isabelle M. Clauss, Ph.D., J.D.  
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RECEIVED

APR 17 2002

TECH CENTER 1600/2900

Re: U.S. Patent Application No.: 09/802,755  
Entitled: *Crystal of Bacterial Core RNA Polymerase with Rifampicin and Methods of Use Thereof*  
Filed: March 9, 2001; By: Darst et al.  
Group Art Unit: 1641  
Atty Ref: IPT-012.01 (former 2555-1-001)

Dear Sir:

Enclosed for filing in the above-referenced patent application, please find the following:

1. Information Disclosure Statement Under 37 C.F.R. §1.97(b) (2 pages);
2. Form PTO-1449 (5 pages);
3. Copies of References "AA" - "EG"; and
4. Return receipt postcard.

The Commissioner is hereby authorized to charge any under-payments or credit any over-payments to our Deposit Account No. 06-1448.

<p><b>Certificate of First Class Mailing</b></p> <p>I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in a box addressed to: Assistant Commissioner for Patents, Washington, DC 20231 on the date set forth below:</p> <p><u>April 10, 2002</u> Date</p> <p><i>Bill Hansen</i></p>	<p>Respectfully submitted, FOLEY, HOAG &amp; ELIOT LLP</p> <p><i>I. Clauss</i></p> <p>Isabelle M. Clauss, Ph.D. Reg. No. 47,326 Attorney for Applicants Customer ID No. 25181</p>
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20/499479.1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Darst et al.

Application No: 09/802,755

Filed: March 9, 2001

For: *A Crystal of Bacterial Core RNA Polymerase with Rifampicin and Methods of Use Thereof*

Examiner: Not yet assigned

Group Art Unit: 1641

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Attorney Ref. No: IPT-012.01

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April 10, 2002  
\_\_\_\_\_  
Date of Signature and Mail Deposit

By: Bill Hansen

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR § 1.97 (b)**

Sir:

Submitted herewith on Form PTO-1449 is a listing of documents known to the Applicants and/or their attorney to be in compliance with the requirements of 37 CFR § 1.56 and 1.97(b). Copies of the references "AA" - "EG" are also being submitted herewith.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached Form 1449.

This submission does not represent that a search has been made or that no better art exists, nor does it constitute an admission that the cited documents are material or constitute "prior art." If the Examiner applies the listed documents as prior art against any claim in the

application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the referenced documents be applied against the claims of the present application.

Under 37 C.F.R. § 1.97(b)(3), this Information Disclosure Statement is being filed before the mailing date of the first Office Action on the merits; therefore, no fee is believed to be due in connection with the filing of this disclosure. If, however, a first Office Action on the merits issues in this application bearing a mailing date prior to the date of this Information Disclosure Statement, please charge the appropriate fees as required under 37 C.F.R. § 1.17(p) to our **Deposit Account No. 06-1448.**

Should there be any questions after reviewing this paper, the Examiner is invited to contact the undersigned at (617) 832-1000.

Respectfully Submitted,

April 10, 2002

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